

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRITNEE KENYON,

Plaintiff,

v.

BOARD OF EDUCATION OF TOWNSHIP
HIGH SCHOOL DISTRICT 113, DANIEL
STRUCK, THOMAS KRIEGER, MICHELLE
HAMMER BERNSTEIN,

Defendants,

and

J.L.,

Respondent in Discovery

Case No.

DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL

Defendants the Board of Education of Township High School District 113 (the “Board”), Daniel Struck and Thomas Krieger, request leave to file the original Complaint of Plaintiff Britnee Kenyon under seal. In support of their motion, the Defendants state as follows:

1. The Board, Struck, and Krieger have filed a Notice of Removal to remove this case from the Circuit Court for the Nineteenth Judicial Circuit, Lake County, Illinois.

2. The original Complaint and filed by Plaintiff on June 21, 2024 and other papers filed with the Lake County Circuit Court included unredacted references to a current minor student of District 113 and named that student’s parent as a respondent in discovery. These references may individually identify the current minor student and parent / respondent in discovery and disclose confidential school record information protected by state and federal law.

3. On September 24, 2024, Plaintiff filed a Motion to Seal Complaint at Law, Summons, and First Alias Summons, and for Leave to File First Amended Complaint at Law, *Instantner*, to protect the student information included in these filings from improper disclosure.

4. On October 8, 2024, the Lake County Circuit Court granted the motion, ordered

the original Complaint impounded, and granted Plaintiff leave to file an Amended Complaint that did not include the name or identifying information of the current student and parent / respondent in discovery.

5. Plaintiff subsequently filed the Amended Complaint in Lake County Circuit Court on October 8, 2024. The Amended Complaint is now the operative pleading and is attached as an exhibit to the Notice of Removal.

6. Because the Court has an interest in protecting the welfare and privacy of the minor student, and the Board has an obligation to protect student record information under both the *Illinois School Student Records Act* (ISSRA), 105 ILCS 10/1 *et seq.*, and the federal *Family Education Rights Privacy Act* (FERPA), 20 U.S.C. § 1232g, the Board, Struck, and Krieger respectfully ask the Court to permit them to file the original unredacted Complaint and other materials submitted in redacted form with its Notice of Removal under seal.

WHEREFORE, for the reasons set forth herein, Defendants respectfully request that this Court place the Plaintiff's original Complaint under seal.

Dated: October 10, 2024

Respectfully submitted,

**THE BOARD OF EDUCATION OF
TOWNSHIP HIGH SCHOOL DISTRICT
113, DANIEL STRUCK, and THOMAS
KRIEGER, Defendants.**

By: /s/ William R. Pokorny
One of their attorneys

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on October 10, 2024, he caused a copy of the foregoing **DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL** to be e-filed using the CM/ECF e-filing system and served via U.S. Mail, proper postage prepaid, and electronic mail on all parties of record, namely:

Adam M. Berger
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Miller Berger, LLC
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/s/ William R. Pokorny
